

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

---

UNITED STATES OF AMERICA,

Plaintiff,

v.

LYNN N. EALY,

Defendant.

---

Case No. 1:05-CR-58

Hon. Richard Alan Enslen

**ORDER**

Plaintiff United States of America and Defendant Lynn N. Early, through counsel, have filed a Stipulated Motion to Adjourn Trial as to this criminal tax evasion case. The purpose of the extension request is to have a second adjournment of trial to facilitate a second attempt to secure separate counsel by Defendant after a first adjournment of trial for that purpose has not succeeded. Here is the explanation for the failed attempts to secure alternate counsel: “Defendant’s efforts have been hampered by the fact that some persons who are prepared to assist Defendant are either disqualified from appearing in this Court or are in prison serving sentences for tax related offenses. Others are working on tax cases in different districts and still others have requested initial payments that Defendant cannot afford.” (Stip. Mot., at ¶ 3.)

Defendant does have a qualified right to assistance of counsel of his selection, which he has already been accorded by virtue of the first adjournment. However, in the light of the Speedy Trial Act, 18 U.S.C. § 3161, he does not have a right to unreasonably delay a federal prosecution while he is pursuing a fool’s errand (employment of persons who themselves do not comply with the tax laws), which errand is likely to only cause further requests for adjournment. He has competent

appointed counsel as well as the right to proceed *pro se* with competent counsel providing standby assistance if he is unwilling to follow the advice of competent counsel.

**THEREFORE, IT IS HEREBY ORDERED** that the parties' Stipulation Motion to Adjourn Trial (Dkt. No. 27) is **DENIED**.

DATED in Kalamazoo, MI:  
July 18, 2005

/s/ Richard Alan Enslen  
RICHARD ALAN ENSLEN  
UNITED STATES DISTRICT JUDGE